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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

ESTATE OF JOHN BOWERS; DANIEL JACOBS, in
his capacity as trustee of the TRUST CREATED
UNDER THE WILL OF JOHN BOWERS FOR THE
BENEFIT OF MARCY, JOHN, AND CHRISTINE
BOWERS, and JOHN BOWERS, JR.,

Defendants.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04485 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants Estate of John Bowers; Daniel Jacobs, in his capacity as trustee of the Trust Created Under The Will of John Bowers For The Benefit of Marcy, John, and Christine Bowers, and John Bowers, Jr., (“Defendants”) by and through their counsel, Gerard A. Riso and Ory Apelboim of Stein Riso Mantel LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed and served the Complaint against John Bowers and Marcy Bowers.
2. On March 8, 2012 the Trustee filed and served an Amended Complaint against Defendants.
3. On May 16, 2014 Defendants served an answer on the Trustee.
4. On November 17, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding.
6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

New York, New York
November 18, 2015

By: /s/ Nicholas J. Cremona
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LLC and the Estate of Bernard L. Madoff*

*Attorney for Defendants Estate of John
Bowers; Daniel Jacobs, in his capacity as
trustee of the Trust Created Under The Will of
John Bowers For The Benefit of Marcy, John,
and Christine Bowers, and John Bowers, Jr.*

SO ORDERED

Dated: November 18th, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE